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C O N F I D E N T I A L SECTION 01 OF 02 AMMAN 003273

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SUBJECT: INTERIM LAWMAKING WRAPS UP AS LIKELIHOOD OF ELECTIONS INCREASES

REF: AMMAN 2529

Classified By: EDWARD W. GNEHM FOR REASON 1.5(B) AND (D)

SUMMARY

1. (C) Jordan's Constitution allows the Cabinet to pass provisional laws when Parliament is not in session, so long as the laws are sufficiently "necessary." The GOJ has promulgated some ninety-nine provisional laws in the year since Jordan's Parliament was dissolved on June 16, 2001. But provisional lawmaking apparently will soon cease. Abatement in regional tensions over the past several weeks has encouraged the view among Embassy contacts that a date for elections reinstating Jordan's Parliament will be announced in July, with elections following as early as September. Given this possibility, Prime Ministry officials set an internal end-of-June deadline for preparing twelve more laws for Cabinet ratification. The deadline aims at avoiding the appearance of an executive usurpation of legislative power in anticipation of a new Parliament, although some critics accuse the GOJ of having already overstepped its legal bounds in the course of its lawmaking activities over the last year. End summary.

JORDAN'S LAW OF LAWMAKING

2. (U) Legislation normally originates with ministries interested in passing it. An interested ministry forwards draft legislation to the Council of Ministers (equivalent of the Cabinet in the U.S.) for initial discussion. The Council of Ministers revises legislation as appropriate and forwards it to the Legislative Office of the Prime Ministry, which has primary responsibility for putting draft laws into final form. The Legislative Office studies proposed legislation, reviews it for conflicts with other laws, makes further revisions, and sends it back to the Council of Ministers for approval. The Prime Minister refers legislation approved by the Council of Ministers to the Chamber of Deputies, which has the power to accept, amend, or reject it, and the Chamber of Deputies forwards the legislation to the Senate. Legislation passed by both houses of Parliament goes to the King, who has the prerogative to ratify and promulgate it through publication in the Official Gazette.

3. (C) An abbreviated lawmaking process applies when all or part of the National Assembly is dissolved, as it now is. Legislation still passes through various drafting stages at the originating ministry, the Council of Ministers, and the Legislative Office of the Prime Ministry. But the Council of Ministers can issue provisional laws with the King's approval in the absence of a functioning parliament, so long as they are limited to "matters which require necessary measures which admit of no delay or which necessitate expenditures incapable of postponement." Provisional laws have the same force as regularly enacted laws. However, once back in session, the National Assembly can approve, amend, or reject laws promulgated in its absence. Embassy contacts predict Parliament will only amend a handful of the laws enacted during the period of its dissolution. One notable exception will likely be the July 2001 provisional law regulating the way parliamentarians themselves are elected. Sources say this law will be scrutinized very closely.

LAWMAKING SANS PARLIAMENT DURING THE PAST YEAR

4. (C) In the year since Parliament was dissolved, the GOJ has promulgated ninety-nine provisional laws covering a wide range of topics (e.g., inter alia, education, labor, state security, traffic). Several weeks ago, we reported that regional tensions were casting doubt on the likelihood that parliamentary elections would be held this fall (reftel), and it appeared that the GOJ might continue enacting provisional legislation in the absence of Parliament. But tensions have decreased since our last report, and the announcement of impending elections on the West Bank has placed added pressure on the GOJ to hold elections. There is now a consensus among Embassy contacts that a date for elections will be announced in July. One source at the Prime Ministry

has said, more specifically, that a date for holding elections will be announced during the first ten days of July. Contacts vary in their predictions as to exactly when elections will go forward; some say elections will be held as early as September while others say they will take place later on in the year.

15. (C) Given the likelihood that a date for Parliamentary elections will be announced soon, the Prime Ministry has set an end-of-June deadline by which laws must be prepared for ratification, or be pushed off for action by the new Parliament. Jordan's Constitution would permit promulgation of provisional laws after an elections announcement, right up until the time when a new Parliament is constituted. However, Minister of Trade and Industry Salah Bashir says government officials are anxious to avoid the unseemly optics that would be associated with an executive effort to promulgate laws after elections are announced.

16. (C) Legislative Office officials are optimistic that their internal deadline permits enough time to enact a final set of twelve provisional laws in advance of an announcement concerning elections. The Office is hurriedly working on this final group of laws. The Legislative Office has tabled other laws now caught in the process of being drafted; work on these laws will resume once a new Parliament is in session.

17. (C) In terms of raw numbers, GOJ lawmaking activities during the past year represent only a modest increase over the number of laws enacted during the last year Parliament was in session. Moreover, the passage of new laws has continued at a fairly even pace over the past year. Contacts within the GOJ justify the government's lawmaking activities over the past year on grounds that the Constitution permits enactment of laws necessary to the normal functioning of government, even in the absence of Parliament.

18. (C) But others claim the GOJ has taken advantage of Parliament's absence to push through major and even controversial economic reform laws aimed at promoting foreign and local investment. These laws include a telecommunications restructuring law, a bankruptcy law, a new companies law, a revised penal law criminalizing support for terrorism, and revised labor and intellectual property rights laws. In addition, the final group of twelve laws now being vetted includes other pieces of important economic legislation, such as a revised securities law, a revised properties law, and a law allowing the creation of credit bureaus.

19. (C) Several former parliamentarians also criticize the regime more broadly, for promulgating scores of laws without Parliament. They view the Constitutional power to enact legislation without Parliament as limited and extraordinary, and argue that it should be used very sparingly and only when necessary to avoid crisis. These same contacts rail against the decision to dissolve Parliament a year ago, and assert that enacting laws absent Parliament undermines respect for the rule of law and the legitimacy of laws so enacted.

COMMENT

110. (C) The modest increase in the number of laws promulgated during the past year does not in itself suggest an indiscriminate rush to circumvent Parliament by passing laws in its absence. Moreover, a perceived need to carry on the regular functions of government during a busy period when no Parliament has been sitting could explain the passage of many laws promulgated during the last year. On the other hand, some key legal changes wrought over the past year would have been controversial and could have been significantly delayed if Parliament's approval had been required.
Gnehm